

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:10-CV-432-H

CAROL DALENKO,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	ORDER
	)	
DONALD W. STEPHENS, <u>et al.</u> ,	)	
	)	
Defendants.	)	

This matter is before the court on the following motions:

- (1) Motion to Clarify and/or Vacate or Amend "Bare-Boned" Order [DE #78];
- (2) Motion for Extension of Time to File an Appeal [DE #80];
- (3) Motion to Reopen Case [DE #81];
- (4) Motion for Extension of Time to file a memorandum in support of her motion to disqualify [DE #82];
- (5) Motion to Disqualify Judge [DE #83];
- (6) Second Motion for Extension of Time to File Memorandum [DE #84].

The court notes that this case was closed in July 2011 and since that time plaintiff has filed at least ten motions. The court finds the following as to the currently pending motions:

- (1) The court finds no need to clarify or alter its prior order(s), so plaintiff's motion to clarify [DE #78] is DENIED.

- (2) Plaintiff has failed to show good cause for extending the time to appeal as required by the Federal Rules of Appellate Procedure, which this court is bound to follow. Specifically, plaintiff, who has filed ten post-judgment motions of various lengths, has failed to provide any explanation for her inability to file a one-page Notice of Appeal. Plaintiff's motion to extend time to file appeal [DE #80] is DENIED.
- (3) Plaintiff's motion to reopen the case [DE #81] is wholly without merit and is therefore DENIED.
- (4) Plaintiff filed two motions to extend time to file a memorandum in support of her motion to disqualify [DE #82 and #84] the undersigned. The motions to extend time are GRANTED, plaintiff's memorandum is deemed timely filed, and the court has considered her memorandum in ruling on plaintiff's motion to disqualify.
- (5) As to plaintiff's motion to disqualify, the undersigned has no bias or prejudice as to any of the parties to this action, has no personal knowledge of any disputed evidentiary facts concerning this case, and knows of no other reason that his impartiality might reasonably be questioned. Plaintiff's motion to disqualify is DENIED.

This 1<sup>st</sup> day of December 2011.



Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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